

file

BEFORE THE BOARD OF OIL, GAS, AND MINING
DEPARTMENT OF NATURAL RESOURCES
in and for the STATE OF UTAH

IN THE MATTER OF THE VIOLATION)
OF THE UTAH MINED LAND RECLAMATION)
ACT BY NUMA CORPORATION FOR FAILURE)
TO FILE A NOTICE OF INTENT PRIOR TO)
CONDUCTING MINING OPERATIONS IN)
TOOELE COUNTY, UTAH)

COMPLIANCE ORDER:
INA/045/001

This cause came on for hearing before this Board at 10:00 a.m. on this day, May 28, 1980 in the Wildlife Resources Auditorium, 1596 West North Temple, Salt Lake City, Utah. The following Board members were present:

Edward T. Beck, Member

E. Steele McIntyre, Member

Raymond C. Juvelin, Member

Cleon B. Feight, Hearing Examiner

Charles R. Henderson, Chairman, (After reviewing the transcripts from this hearing Mr. Henderson is in accordance with the action of the Board).

Also present and representing the Division were:

Paula Frank, Administrative Assistant, Division of Oil, Gas, and Mining

Ronald W. Daniels, Mined Land Coordinator, Division of Oil, Gas, and Mining

Mary Ann Wright, Reclamation Biologist, Division of Oil, Gas, and Mining

Denise Dragoo, Special Assistant Attorney General, Division of Oil, Gas, and Mining

Appearances were made as follows:

For Numa Corporation, Mr. Nelson.

NOW THEREFORE, The Board having heard the testimony of each party and having considered the evidence, and being fully advised in the premises, now makes and enters the following:

FINDINGS OF FACT

1. Proper procedures for notice in publication of this matter were followed in accordance with the Utah Mined Land Reclamation Act (Chapter 8, Title 40, Utah Code Annotated).
2. The Board has jurisdiction over this matter under the Utah Mined Land Reclamation Act (Chapter 8, Title 40, Utah Code Annotated).
3. Testimony shows that Numa Corporation conducted mining activities involving some 5 acres of disturbance on State Section 2, Township 2 N, Range 17 W, and Section 35, Township 3 N, Range 17 W, without obtaining an approved notice of intent to mine said acreage.
4. Mr. Nelson of Numa Corporation, admitted that said mining activity was conducted by the corporation without prior approval of the Division or Board of Oil, Gas, and Mining.

CONCLUSIONS OF LAW

1. The Board finds that Numa corporation conducted mining activities without obtaining an approved notice of intent to conduct said operations in violation of Section 40-8-13, Utah Code Annotated, 1953.

2. The Board requires Numa corporation to take the following steps:

a. Regrade the area disturbed and fill the pit created by the mining activities to reduce any potential hazard to the public or to wildlife in the area.

b. Reseed the area disturbed.

c. Appear at the September Board hearing and present a status report on these reclamation activities.

d. Submit a notice to the Board that the above activities have been completed by October 1, 1980.

ORDER

NOW THEREFORE, The Board finds Numa corporation in violation of Utah Code Annotated 40-8-13 for comencing mining operations without an approved notice of intent to mine. The Division orders Numa corporation to take the above stated compliance measures by October 1, 1980. Failure to comply with this order in a timely manner shall result in referral of this matter to the Attorney Generals' Office to bring suit in the name of the State against Numa corporation to enforce the provisions of the Mined Land Relcamation Act.

SO ORDERED this 28 day of May 1980 by the Board of Oil, Gas, and Mining

By *C. P. Henderson*
Charles Henderson
Chairman of the Board

State of Utah
Department of Natural Resources
Division of Oil, Gas, and Mining
1588 West North Temple
Salt Lake City, Utah 84116